

La Jolla Community Planning Association

Trustee Meeting Final Minutes

1 October 2020 6pm

Regular Monthly Meetings: 1st Thursday, La Jolla Recreation Center, 615 Prospect St

PO Box 889, La Jolla CA 92038
<https://lajollacpa.org>
info@lajollacpa.org

President: Diane Kane
1st Vice President: Greg Jackson
2nd Vice President: Helen Boyden
Secretary: Suzanne Weissman
Treasurer: Mike Costello

Online meeting. Registration required.

Instructions (copy-paste into browser if clicking fails):

<https://lajollacpa.org/ljcpa-online-meeting-instructions/>

Viewing, listening, and speaking at the meeting require registration. To have attendance counted toward membership or voting, registration must be in the member's name. Meetings are recorded.

Mobile or noisy **devices should be off or silent**. Keep **microphones muted** except to speak. **Refer to projects or issues, not to applicants or opponents**. For Action Items, chair calls on public, then Trustees, closes discussion when consensus seems likely, and calls for motions. Trustees vote by roll call or show of hands.

LJCPA welcomes donations in cash at physical meetings or by check to "LJCPA". Please email the Treasurer (emsmike@san.rr.com) for instructions and address.

The public is encouraged to participate in Committee/Board meetings before LJCPA discusses issues or projects:

PDO – Planned District Ordinance Committee, Chair Deborah Marengo, 2nd Monday, 4:00 pm

DPR – Development Permit Review Committee, Chair Brian Will, 2nd & 3rd Tuesday, 4:00 pm

PRC – La Jolla Shores Permit Review Committee, Chair Andy Fotsch, 3rd Monday, 4:00 pm

T&T – Traffic & Transportation Board, Chair David Abrams, 3rd Wednesday, 4:00 pm

Materials & Comments page for projects, issues, & reports:

<https://lajollacpa.org/ljcpa-10-1-2020-materials-comments/>

Trustees Present: Ahern, Boyden, Brady, Costello, Davidson, Fitzgerald, Ish, Jackson, Kane, Mangano, Manno, Neil, Shannon, Weiss, Weissman **Absent:** Courtney, Steck

1 Call to Order (6:06pm)

1.1. Approve Agenda (action item)

Motion: Amend agenda to restore project #667263, Cresta/Maria, to Consent Agenda and to change heading # 5 to 'some' action items instead of 'possible' agenda items. The project was pulled from Consent Agenda accidentally by Jackson (Jackson/Mangano)

Objections to motion:

Weissman: This is a Brown Act problem. Quote from Open and Public: a Guide to the Brown Act: "an item cannot be considered under this provision if the legislative body or staff knew about the need to take immediate action before agenda was posted. A new need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline." We made a mistake, but the intent of the Brown Act noticing rules is so that the public can rely on the posted agenda. Public has NO notice of item not on agenda.

Jackson: The item was on the early agenda that the officers reviewed and was accidentally taken from the final agenda. Also the materials and notice were on the website 12 hours after the deadline passed.

Neil: I agree with Suzanne. The noticing requirement was for exactly situations like this. I don't believe we should amend the agenda. It is our mistake and I accept responsibility.

Fitzgerald: I have a problem with items 5 and 6.3 because they weren't identified as action items.

Boyden: Is there an urgency for the CIP projects: **Hadley:** Council office will work off the prioritized list from last year. The deadline is Oct. 16, Councilmember needs by the 8th. Not that urgent; it is only a recommendation.

Pangilinen: We typically don't advise adding items to an agenda after 72 hour notice is out, but Council Policy does allow certain unique items to be added to an agenda with a 2/3 vote of the planning group.

Vote: 9-4-2: Motion carries with 2/3.

In Favor: Ahern, Boyden, Brady, Davidson, Ish, Jackson, Mangano, Manno, Shannon

Opposed: Costello, Fitzgerald, Weiss, Weissman

Abstain: Kane, Neil

Motion: Accept agenda as amended. Vote: unanimous.

1.2. Approve Minutes (action item)

Motion: Approve minutes from last month as presented, (Neil/Jackson) Vote: unanimous

2 Non-Agenda Public Comment

Opportunity for public to speak on matters not on the agenda, 2 minutes or less. Requests for LJCPA to take formal action or positions must be submitted to the President at least 72 hours in advance so that the public can be notified via the published Agenda.

Emerson: Two items discussed at Land Use and Housing committee: Per Coastal Commission, attached ADU's are exempt from Coastal Development Permit; detach units are not. Also consideration of removal of City deed restrictions on approximately 510 acres of UCSD campus land. Deed restrictions restrict use of land for educational and university

uses. The University wants to do public/private partnerships to put a convention center, condos, hotels, and retirement housing for professors on that land. The vote was to send it out for study to City Attorney, Mayor, Real Estate Assets and for community education and input. It behooves all of us to follow this to protect land that could benefit all of the City of SD. Regarding the UC Regents meeting: controversy on the vote on approval of TDLLN project. The item was not approved; a \$5 million bridge loan was approved asking them to come back with detailed financial reports and a list of other campus projects. They did file a notice of determination which starts the CEQA period running. See excellent article in LJ Light on OCT 2.

Merten: Thanks to Kathleen Neil and Weissman for excellent job chairing the LJS PDO Update Committee. The reason this is important: in December 2010 CPA President, La Cava, Tony Crisafi and I met with DSD director, Kelly Broughton. During that meeting we asked why his department was not enforcing the provisions of the LJSPDO. He stated that project review would be based on compliance with the narrative and comparative terms in the PDO. He refused to have his department take on that role and accordingly his department would not enforce the narrative provisions of the LJSPDO. Every planning director since Kelly Broughton has taken the same approach. He said he would enforce only the numerical provisions in the Ordinance. The committee is trying to put some numerical limits on many different aspects of the Ordinance.

John Bannon: What happens when terms of a residential permit approved at a DPR committee meeting are not complied with or changes are made? Is there any recourse?

Pangilinan: What has been agreed upon in planning group meetings is part of a recommendation. Conditions written into the permit govern. If conditions written into the permit are not followed it is a Code Compliance issue and needs to be reported to Code Compliance Department.

Further discussion about promised conditions to be on the permit as "Exhibit A" that were removed from the file. Steve Hadley asked the Bannons to contact him and the Council office would look into the situation.

Claudia Baranowsky for Parks and Beaches: We met with representatives from City Park & Rec group including brush mgt. open space and natural resources mgt., fire department and Steve Hadley to address concerns about overgrown brush and fallen trees in Pottery Canyon – an 18 acre park with entrance off Torrey Pines Road within the LJ Shores boundary. We have contact with Natural resources manager for ongoing concerns to remove brush. The City does thin brush to 50% vegetation coverage within 100 ft. of structures and this was done April 2020. Fire inspectors have concluded that Pottery Canyon is in compliance with these regulations. We are trying to control non-native trees and shrubs such as Eucalyptus and Mustard weed. There are few water supplies but City fire operations said there were ample resources to fight fire with Fire Station #9 nearby. This open space is protected under City and State regulations as an ecosystem and must be kept in natural state. Next we will research potential fire danger in parking area recognizing historical designation, considering grazing by goats as a means to control vegetation. A balance between safety and cutting vegetation as well as conservation and biodiversity must be maintained. No action from CPA is requested; I will keep you apprised.

Ish: Carport legislation update: I spoke with Gary Geiler; he agreed to update the code section and the diagram regarding carports to specify wall openings of 100% with no garage doors, with support pillars 18' square max to be excluded from FAR. If a second story is placed on top of carport all will be included in FAR. I will make sure garage doors will not be allowed. These new provisions are approved and will go to City Council. Further discussion about need for code compliance enforcement in addition to code updates.

Neil: La Jolla Blvd. Pedestrian Safety Project: T & T is holding two Zoom meetings to take public comment on Oct. 15, 16. Contact me or T & T for information.

Ish left.

3 Consent Agenda (consolidated action item)

The Consent Agenda enables LJCPA to ratify recommendations of joint Committees or Boards in a single vote, upon which those recommendations become LJCPA's. The public may comment on consent items, but there is no presentation or debate. Anyone may request a consent item be pulled for full discussion by LJCPA at a subsequent meeting.

3.1. 8433 Prestwick Dr (662163, Golba)

(Process 3) Site Development Permit (LJ Shores) for a 1,536 sf addition and 96 sf demolition to an existing 3,553 sf single-family residence at 8433 Prestwick Drive. The 0.46-acre site is in the Single-Family zone of the La Jolla Shores Planned District (LJSPD-SF), Coastal (Non-Appealable Area 2) Overlay Zone, Coastal Height Limitation Overlay Zone, and Parking Impact Overlay Zone within the La Jolla Community Plan in Council District 1. CDP Exempt per SDMC 126.0704(a).

PRC: Findings CAN be made, passes 7-0-1

3.2. Request for Road Lumps on 2400-2500 Blocks of Azure Coast Dr

Two lumps for traffic calming requested by adjacent HOAs.

T&T: Motion to approve, passes 7-0-0

3.3. Ratify TC appointment of John Shannon to DPR

3.4. 6375 Avenida Cresta/6360 Via Maria (667263, Duke/Crisafi) (item added per amendment)

(Process 2) Coastal Development to demolish 2 existing residences on parcels 351-581-07-00 and 351-581-01-00. Proposing to construct a new 9,181 square-foot residence. Work to include site walls, new driveways and existing two lots to be tied together, located at 6375 Avenida Cresta and 6360 Via Maria. The 0.46-acre site is in the RS-1-7 zone within the Coastal Overlay (non-appealable) zone within the La Jolla Community Plan area. Council District 1.

DPR: Findings CAN be made, 6-0-1

Neil: Please separate Item 3.4, Avenida Cresta, from the vote on the Consent Agenda. Discussion about precedent to vote on consent items separately distinguished from pulling an item on consent. It was determined that consent items could be voted on separately. It is reasonable to not to vote for an item that she was opposed to putting on the agenda so as not to prejudice the vote on other items. This is done frequently at Planning Commission meetings.

Motion: Approve items 3.1, 3.2, 3.3 on Consent Agenda (Boyden/Jackson) **Vote:** unanimous: Motion carries.

Motion: Approve item 3.4 on Consent Agenda (Jackson/Boyden) **Vote:** 10-0-4 Motion carries.

In favor: Ahern, Boyden, Brady, Costello, Davidson, Fitzgerald, Jackson, Mangano, Manno, Shannon

Opposed: none

Abstain: Kane (chair), Neil, Weiss, Weissman (procedural)

4 Project Reviews (action items)

These may be *de novo* considerations, and in that case actions by committees are listed for information only. Written comments can be submitted via the Materials & Comments page, link above. In general, applicants for each project have 10-15 minutes to present, an individual representing organized opponents (if there are such) has 10 minutes to respond, and members of the public have 15 minutes for 2-minute comments not already covered in presentations. Trustees then discuss the project for 20 minutes, at which point the President may call for motions and votes.

4.1. 8405 Paseo del Ocaso (560839, Duke/Wilson)

(Process 3) Coastal Development Permit and Site Development Permit to demolish an existing single dwelling and construct a 4,430 sq-ft two story single to tie into an existing garage located at 8405 Paseo De Ocaso. The 0.12-acre site is in the Coastal Overlay Zone (Non-Appealable) in the SF zone(s) of the La Jolla Shores Planned District of the La Jolla Community Plan area. CD 1.

PRC: Findings CANNOT be made, bulk and scale incompatible with neighborhood, passes 5-2-1

Haley Duke, Project Architect, Slide presentation:

- Located on corner of Paseo del Ocaso and Camino del Oro. Neighborhood consists of variety of architectural styles, Mediterranean to Contemporary, 1, 2, 3 stories.
- Demolish existing residence and garage and construct a new residence and garage totaling 4,609 sf. on a 6,031 sf. lot. Updated drawings on Open DSD.
- Proposed development is stepped back to preserve existing designated view corridor down Camino del Oro in southwest direction toward Kellogg Park and to enhance street scape.
- Site plan drawing shows footprint of existing house with a red dash line; the existing garage is 8 in. set back from Camino del Oro; main house is set back 7 ft.; interior side yard is set back 5 ½ ft. and front yard is set back 21/17 ft.
- Proposed project pulls the 8 in. setback in so that the single-story form is now set back 2 ft. based on feedback from Advisory Board meeting. Set back along remainder of massing is 10 ft. or better. The area that kisses the 2 ft. setback is just shy of 8 ft. above adjacent grade.

- The house directly east has a 3 tier deck tower set back 8 ½ ft. at a height of 25 ft. above the street.
- Other properties along Cam. del Oro have setbacks from 16 to 36 in. averaging 18 in. so the 2 ft. setback is in conformance with neighboring properties.
- The garage was relocated to create additional off-street parking based on feedback from PRC.
- Setback in front of garage is 20 ft., the remainder of the front yard is now 17 ft., pulled in from original proposal of 13 ½ ft. to control bulk and scale and it serves to reduce FAR. Rear yard setback has been increased to 6 ft., is a single story; the upper story in rear is 24 ½ ft. from property line.
- Upper level is 50% smaller than main level so that distribution of massing in combination with traditional residential style of hip roof makes project compatible with its surroundings.
- Slides showing overlays from different directions to show view corridor is maintained.
- Structure height measurements all below height limits at all points. Lowered ridge line on west elevation by 2 ft. resulting in a zoning height of 26.5 ft., 20 in. lower than house to north. Highest point above trellis is 29.7 ft.
- Style has Spanish Colonial influence with American adaptations with a natural material palette; articulation helps to control massing.
- Nine of the homes within the 300 ft. radius according to publicly available data pulled before Covid are larger and 5 of those homes are on this block. Of the 14 nearest homes roughly 1/3 have a larger FAR.
- Most recent project updates and revisions are on record with the City.
- We believe this home is sensitively designed, is compatible with and enhances the neighborhood; we have incorporated comments from community groups.

Phil Merten, representing M/M Robert Cavaiola, owners of property directly east: Reasons for opposing the project:

- Insufficient setbacks. The SW corner of existing garage is 8 in. from the property line. Accessory structures built before the LJPDO was adopted in 1974 were allowed close to the property line, but when you replace an existing structure in the Coastal Zone it is obligated to comply with the current Regs. The proposed 2 ft set back from the property line is not in conformance with the setbacks in the area required by the LJPDO. The applicant contends that other structures are that close to the property line but those structures were built prior to the adoption of the LJPDO. The rear yard setback is 6 ft. but the Cavaiola's property is setback ~13 ft. and the home to the north is setback ~18 ft., again not in conformity with the vicinity.

Courtney arrives

- Excessive bulk & scale: the proposed FAR is .76. On an exhibit of 48 homes in the area the average FAR is .55; this proposed FAR is 56% larger than the average FAR of homes within 300 ft.
- Applicant is proposing, at the direction of the City, planting street trees on Camino del Oro and Paseo del Ocaso. There is no regulatory basis for providing street trees. The Community Plan does not require street trees on a residential street. In addition, Cam. del Oro is a view corridor; street trees will block designated public views.
- Applicant is proposing to lower the grade along the rear property line which will undermine the footings of the Cavaiola's wood fence. No indication in the drawings for construction of a new retaining wall along that line to maintain that existing fence during and after construction.

The project does not comply with the LJPDO and is not in conformity with the La Jolla Community Plan; therefore findings cannot be made for a CDP and SDP.

Myrna Naegle: LJPDO regulations require that new structures replacing previously conforming structures must comply with the current regulations.

Peggy Davis: Standing on the corner of Cam. del Oro and Paseo del Ocaso looking up the height of various points on the roof it violate the Prop. D height limits. Also, concerns about storm water running from LJ Shores Dr. to ocean due to flooding in past years.

Emerson: I applaud architect and applicant for moving garage to provide off street parking and making modifications recommended by planning groups. My only concerns are the setback at the corner of garage and height of second story setback that will impinge on view corridor.

Mila Vujovich-La Barre: Project is too large for neighborhood, not set back far enough and too high to preserve view corridor. Agrees with Merten, Davis, Emerson. Needs to be scaled down.

Jackson: What is rational for maintaining small setback by existing garage?

Davidson: Garage is no longer a garage; it is the kitchen? Change of use needs to comply; 2 ft. is still too close. What is being done to mitigate storm water problem?

Fitzgerald: On the list of 48 properties there are 7 that are over 4,000 sf. averaging 4,623 sf. At 4,609 sf. this project is in the range. Of the remaining 41, the average is 2,213 sf. and 80% of those is under 2,000 sf. Based on available data the market price of homes in LJ has increased 27 times in last 40 years. Using these smaller homes, likely built long ago, as a benchmark for bulk and scale is not valid. This home does not impinge on view corridor. The street trees should not be required.

Further discussion about accuracy of the square footage chart presented to PRC. Further discussion about setbacks, structure on roof, difficulty of obtaining sq. footage data from City due to Covid.

Haley Duke: The structure on roof is a steel trellis – a steel cage with fabric – to streamline the look of furniture on roof deck. Regarding the side yard setback: we originally intended to keep garage as is with no off-street parking, but at PRC two years ago, the option to move the garage to provide off-street parking was preferred. We responded to community feedback by moving the garage and again by increasing the setback from 8 in. to 2 ft. The

four nearest examples of one-story structures on Cam. del Oro have similar small setbacks including recent construction. We are correcting a previously conforming condition with a condition that conforms with the neighborhood today.

Motion: Findings cannot be made because this project does not comply with LJS Community Plan [PDO]; previously conforming structure no longer conforms; insufficient setbacks; excessive bulk and scale; street trees are in view corridor. (Costello/Weiss)
Discussion to clarify confusion about whether previously conforming garage will no longer conform or is being replaced by a structure that now conforms to the LJS PDO. Also clarification needed to explain that the LJS PDO does not require numerical setback limits as is the case in other parts of the City under the SDMC; only that the setbacks are compatible with other properties in the vicinity. The definition of 'vicinity' in this case also needed clarification.

Vote: 7-7-1: Motion fails

In favor: Brady, Costello, Davidson, Manno Neil, Shannon, Weiss

Opposed: Ahern, Boyden, Fitzgerald, Jackson, Kane, Mangano, Weissman

Abstain: Courtney

Motion: Project cannot be approved because it does not conform with setbacks in vicinity, exceeds bulk and scale of other projects in vicinity and street trees in view corridor.

(Boyden/Weiss) **Vote:** 8-5-2

In Favor: Boyden, Brady, Costello, Davidson, Manno, Neil, Shannon, Weiss

Opposed: Ahern, Fitzgerald, Jackson, Mangano, Weissman

Abstain: Kane (chair), Courtney

5 Non-Project Discussions & Reviews (possible action items)

5.1. Update Recommendations for Capital Improvements Program

Review and (if necessary) update projects LJCPA identified earlier.

Kane: The list shown in Materials & Comments is an updated list from prior CPA lists. Lists from LJ Shores Assn. and Parks & Beaches are also included. I contacted other community groups to get an assessment of projects needed and to eliminate duplications. The CPA list is a consolidation of projects suggested by Bird Rock Comm. Group, T & T, Parks & beaches, LJSA, eliminating those in process or completed. Belvedere has been removed from list, but its importance reaffirmed. Friends of Coast Walk asked to add repair of bridge and refill unstable hole on Coast Walk. The sea wall and stairs on the Childrens' Pool need repair for safety issues. Repave Neptune Pl, conduct traffic study at Throat, construct traffic calming in front of Rec. Center were also added to the list.

Hadley, we need list by Oct. 6—8 so Council Member can submit to Mayor on Oct. 16.

Other comments that walkway on Spindrift by Marine Room is the responsibility of Transportation & Stormwater and is getting resolved. We are working on how to restore historic concrete re Camino de la Costa item #4. Need to prioritize traffic study at Throat and explain location of "Throat." Make list a bullet list.

Motion: Pass this draft list on to S Hadley to pass to Bry with understanding that it is a working document. (Neil/Boyden) **Vote:** unanimous. Motion carries

5.2. Code Compliance

Review and approve proposed letter to City requesting more active efforts to ensure projects comply with permit, community, and code requirement. Letter included in Materials & Comments.

Kane: The issue is whether we want to comment on Code Compliance and, if so, what the comments should be about. My sense is that these examples brought by Mr. Merten are egregious. I have written a letter to the head of Code Compliance to call attention to this. In a conversation with Mr. Hadley about bringing in additional items to this letter we agreed that sending anything at this time would be fruitless due to the upcoming change in administration at the City and would be better to wait for next administration to make comments. I will take this issue to CPG meeting for more support

Jackson: I think we should send a letter but disagree on including specific projects unless we have a principle for which projects to take on.

In discussion it was agreed that a letter should be sent because CC is not doing its job.

Comments were that letter should be more generic; projects cited were only examples of a broader problem; transpose 1st and 2nd paragraph mentioning non-compliance then provide example.

Motion: Send letter with suggested modifications. (Boyden/Ahern) **Vote** 13-1-1 Jackson objecting, Kane abstains. Motion carries.

6 Officer Reports

6.1. Treasurer (see Materials & Comments page for report)

Costello: Ending balance \$793.21. Email me for instructions to contribute. Do we need to update list of officers on report to Secretary of State when we elect new officers in April?

Fitzgerald: Keep doing as in the past to complete the report every two years when requested by Secretary of State. The point of contact information is most important.

6.2. Secretary

Weissman: No report. All information regarding membership and attendance is on the website. All visitors are encouraged to join.

7 Elected Officials, City Agencies, & Other Entities

7.1. Council District 1: Council member Barbara Bry

Rep: Steve Hadley, 619-236-6611, srhadley@sandiego.gov

Hadley: Parking enforcement begins today. Our office cannot help you with parking tickets. I will be helping to prepare transition packages with information for whomever will be doing my work on Dec. 11. Your letter to Code Enforcement will be part of what I hand off to them. I assure you that whoever comes in on Dec. 11, will have your priorities in front of them. On CC letter copy should be sent to Mayor; his representative is Greg Hopkins.

7.2. 78th Assembly District: Assembly member Todd Gloria

Rep: Mathew Gordon 619-645-3090, mathew.gordon@asm.ca.gov

Gordon: Governor has signed Gloria's legislative package before Sept. 30, deadline. This includes animal protection banning puppy mills, protection for victims of domestic violence and AB 2731 dealing with redevelopment of NAVWAR site in San Diego protecting 5,000 Navy jobs from relocation and has potential to generate over 16,000 jobs in future. Covid update: per CA Dep't of Public Health San Diego remains in red tier, the case rate has dropped per 100,000 citizens. Our office stresses the need to take preventative measures to keep cases down. Check status by visiting covid19.ca.gov. There is still time to complete Census 2020 by filling out online or by calling 844-330-2020. Don't hesitate to contact me for more information.

Questions about what measures have been taken by the state to mitigate fire dangers with proactive measures such as brush management. **Reply:** State is receiving assistance from Fed. Gov., FEMA, setting up location assistance centers, supporting survivors who have lost belongings etc. Email me for more information

7.3. 39th Senate District: Senator Toni Atkins

Rep: Miller Saltzman, 619-645-3133, Miller.Saltzman@sen.ca.gov Not Present

7.4. City of San Diego

Community Planner: Marlon Pangilinan, mpangilinan@sandiego.gov Not Present

7.5. UCSD

Planner: Anu Delouri, adelouri@ucsd.edu Not Present

8 Non-Agenda Trustee Comment

Opportunity for Trustees to comment on matters not on the agenda, 2 minutes or less.

Courtney: Disappointed with treatment of Anu Delouri from UCSD at last meeting. Meetings need more control and restraint.

Costello: Regarding earlier comments by the Bannons: they were asking for simple good neighbor policies to be taken during construction which were to be included in the permit as Exhibit A. The exhibit was not added and none of the requests were honored.

Weiss: These are real issues, but they are all part of a generic Code Compliance problem and lack of City concern that the CPA is ill suited to deal with. Maybe we ought to ask for some type of legislation that gives us or someone the power to represent the community – an ombudsman for example.

Kane: I agree. I'd be willing to set up an ad hoc committee to brainstorm some suggestions to deal with this.

9 Reports from Standing, Ad Hoc, and Other Committees

CPG Meeting:

Mangano: We need to continue to follow the Complete Communities project. La Jolla has taken important role in this. The CPG will support the noticing letter.

Other items discussed was the need for stricter rules for street vending by OB group and Builder impact fees, incentives and affordable housing. Email me for more information.

10 Adjourn to next LJCPA meeting (5 November 2020, 6pm)